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Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CURTIS AND CHARLOTTE WESTLEY,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

OCLARO, INC., et al.,

Defendants.

In re OCLARO, INC. DERIVATIVE
LITIGATION

This Document Relates To:

Westley v. Oclaro, Inc., et al.,
C11-02448-EMC.

No. C11-02448-EMC (NC)
and related consolidated action
(Lead Case No. C11-3176-EMC)
(Derivative Action)

Lead Case No. C11-3176-EMC (NC)
(Derivative Action)

STIPULATION AND [PROPOSED] ORDER PARTIALLY STAYING MATTER

1 WHEREAS, on May 19, 2011, plaintiffs Curtis and Charlotte Westley filed a complaint
2 (Dkt. No. 1) against defendants Oclaro, Inc., Alain Couder, Jerry Turin, and James Haynes;

3 WHEREAS, on September 12, 2011, this Court issued an Order Granting Connecticut
4 Laborers' Pension Fund's Motion for Appointment as Lead Plaintiff and Approval of Selection of
5 Counsel;

6 WHEREAS, on April 27, 2012, lead plaintiff filed a Second Amended Complaint for
7 Violations of the Federal Securities Laws ("SAC");

8 WHEREAS, on September 21, 2012, this Court issued an Order Granting Defendants'
9 Motion to Dismiss the Second Amended Complaint;

10 WHEREAS, on January 10, 2013, this Court issued an Order Granting in Part and Denying
11 in Part Plaintiffs' Motion for Leave to File Motion for Reconsideration finding that the SAC had
12 adequately alleged claims arising from alleged false statements in May and June 2010 (Dkt. No.
13 107);

14 WHEREAS, on January 30, 2013, this Court entered a minute order, that *inter alia* limited
15 discovery to the issue of scienter with respect to certain statements and setting a discovery cutoff, a
16 deadline for the filing of a Third Amended Complaint ("TAC"), briefing schedules in connection
17 with defendants' motion to dismiss the TAC and defendants' motion for summary judgment with
18 respect to scienter for the May and June statements, and an oral argument date for the motion for
19 summary judgment (Dkt. No. 111);

20 WHEREAS, on March 1, 2013, lead plaintiff filed a TAC (Dkt. No. 121);

21 WHEREAS, on April 1, 2013, defendants filed a motion to dismiss the TAC (Dkt. No. 130);

22 WHEREAS, oral argument on defendants' motion to dismiss the TAC is currently scheduled
23 for May 16, 2013;

24 WHEREAS, on April 3, 2013, this Court ordered *inter alia*, that defendants to produce
25 certain documents by April 24, 2013, and to make a witness or witnesses available for deposition to
26 testify on topics defined in lead plaintiff's Rule 30(b)(6) deposition notice (Dkt. No. 138);

1 WHEREAS, the parties have agreed, subject to this Court's approval, to partially stay this
2 matter, including discovery deadlines, until such time as this Court renders a decision on the motion
3 to dismiss in order to obtain greater clarity on the ultimate scope of the litigation; and

4 WHEREAS, the parties enter this stipulation, not for the purposes of delay, but to efficiently
5 manage this case going forward;

6 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
7 stipulate as follows:

8 1. All proceedings and deadlines in this matter are stayed, with the exception of
9 proceedings related to the motion to dismiss the TAC, and the discovery to be produced on May 1,
10 2013, until after this Court decides defendants' motion to dismiss the TAC.

11 2. Unless otherwise agreed by the parties or ordered by this Court, the January 30, 2013
12 Order is hereby modified to provide that (i) the discovery cutoff shall be five weeks after this Court
13 rules on defendants' motion to dismiss the TAC; (ii) defendants' summary judgment motion shall be
14 filed no later than fourteen days after the discovery cutoff; and (iii) a hearing on the motion shall be
15 set for the first Thursday on which Judge Chen is available, at 1:30 p.m., which is at least thirty-five
16 days after the motion for summary judgment is filed.

17 DATED: San Francisco, California
18 May 1, 2013

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1 DATED: Menlo Park, California
2 May 1, 2013

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing STIPULATION AND [PROPOSED] ORDER STAYING DISCOVERY. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the filing of this document has been obtained.

DATED: May 1, 2013

/S/ Gidon M. Caine
GIDON M. CAINE (CAL. STATE BAR NO. 188110)

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 5/2/13

THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

